PRESERVED

App. F. IX-4

1938.
(Legis)

File No. 36-38

Previous Referenees

Serial Nos. 6 - 14

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nine only

Part B for February 1960.

SUBJECT.

Request for exemption from Foreigners Registration Rules

Request for exemption from Foreigners Registration Rules

General and Revenue Secretariat. | File No. 3/0 of 1939. | [App. F. III-2

Serial No.

From

The Apostolic Delegate to the East Indies. Bangalore

letter dated 18.7.39.

requesting to be exempted from the Registration of Foreigners Rules, 1939.

A draft letter to the Residency is put up as ordered

Sore
21.7.39

Issued D.o. Pol 101. Dated 21.7.39 ~~to the Secy to the Resi~~

From

The Hon. Secretary.

European Association (South Indian Branch) Bangalore

letter no 39/245 dated 24.7.1939

requesting exemption from the operation of the Act in case they are considered foreigners within the meaning of the definition in section 2.

The only Clause under which these people could come in the definition clause is 2 (a) (ii) "a British Subject domiciled in the United Kingdom". This clause follows a similar one in the British India Act. In British India, when the measure was in the Bill stage, all British Subjects were excluded from the Category of "foreigner". ~~After~~ when the Bill was before the Select Committee, an attempt was made to alter the definition to its present form but was negatived. Thereafter an amendment was moved in the Assembly and Carried. The

Requests for exemption from Regn of foreigners Act

File No. of 19

General and Revenue Secretariat.

Serial No.

OFFICE OF THE
FIRST MEMBER OF COUNCIL
JUL 27 1939
No 903

exemption in its present form is a result of the amendment this expression "British Subject domiciled in the United Kingdom is taken from section 111 of the Government of India Act and is limited to British Subjects who are not resident in the Dominions or Colonies. In other words it is limited to Englishmen who have an acquired an English domicile. During the discussions in the Legislative Assembly on the Bill, it seems to assumed that Englishmen who were in India would also come in under this exemption clause. That is that they were to be considered as not having lost their United Kingdom domicile by virtue of residence in India

Apart from this under the Exemption order notified by us recently, ~~which the~~ ~~applies to~~ Rules and of which the Hon. Secretary of the European Association is not yet aware all British Protected persons are exempted from the more onerous provisions of the Act and Rules. Clause 6 of the draft Executive Instns clearly specifies that British Subjects of whatever domicile are exempt from certain provisions. Subd for orders

Requests etc for exemption under Foreigners Regn Rules 1931

General and Revenue Secretariat | File No. of 193 | [App. F. III–2

Serial No.

From

The Hon Secretary European Association

letter dated 2. 8. 1939

requesting for copy each of Foreigners Act, Rules & Exemption order

"may be sent"

Sd) C.S. 7/8/39

Issued D.O. 2. 8. 39 sending required book.

From

The Secretary to the Hon'ble the Resident

No 7 62-39 dated 3-8-1939

States that the Executive Council has declared that the Foreigners Regn Rules shall not apply to H.R.H. Prince Peter of Greece.

If approved, a copy of this letter will be sent to the D.S.P. for information and necessary action as he is the Registering Officer.

Sd/- A Dmello Asst. for orders

4.8.39

(Law Secy)

Issued P691 dated 4.8.39 to the D.S.P.

The Secretary to the Hon'ble the Resident in Mysore

Confidential letter no. C.J. 62-39/101 dated 29.9.39

stating that it is not possible to grant Mgr. Leo. P. Kiekels complete exemption but the inconvenience of Compliance with the rule will be reduced by the amendment proposed to be made in the Rules.

It is stated that the Central Govt. propose to amend the Rules under the Act and that under the amendment the requirements will be rendered less onerous.

Reference is invited to the letter from Mgr. Kiekels which initiated this Correspondence.

After the amendment is made in British India we have to amend the Rules under the Mysore Act before Mgr. Kiekels can be entitled to the benefits of its provision under our Act. Draft rules will have to be published before they are finally brought into force.

Subs for orders. If a reply may be sent to Mgr. Kiekels that Complete exemption cannot be granted and that it is proposed to amend the Rules which will make the obligation less irksome.

Seen by
4.10.39
4/10/39

We may intimate after the Rules

SECY. LAW DEPT.
5 OCT 1939
GOVT OF MYSORE

2237/0 Request for exemption under Registration of Aliens Rules

General and Revenue Secretariat. | File No. | of 19 | [App. F. III

Serial No.

The ~~final~~ ~~Rules~~ amendments to the Registration of Aliens Rules were Notified in the Gazette of the 21st December 1939.

The Residency who were asked whether exemption may be granted to Mgr. Leo. P. Kierkels have stated that it is not possible to grant him Complete exemption.

Under the Present amendment the inconvenience of Compliance with the Rules will be reduced somewhat.

Since the amendments only affect the ~~Registration~~ ~~of aliens~~ Procedure to be followed when a change of residence, or leave is Contemplated, a reply to the letter wanting exemption is perhaps unnecessary as it is expected the Change with Case to his notice When a ~~change~~ of ~~residence~~ leave is intended.

If approved these papers will be filed.

Les Secretary) 3/4

~~Sine~~ 2.2.40.

3/4

3/4

APOSTOLIC DELEGATION
OF THE EAST INDIES.

P27 Ar
Cl
1877/39
3/1877

396/P Legis 36-38

BANGALORE

July 18, 1939

Mr. C. Subrahmanya Aiyar,
Secretary to Government,
Law Department.

Sir,

Availing myself of the opportunity given in the Notification No.P.257 - Legis. 36-38-2, dated Bangalore the 13th July 1939, to offer suggestions anent the Rules for the Registration of Foreigners, I beg to submit the following:

Under n.6 of the Emergency Act relating to the matter it is stated that Government may declare by order that the Rules shall not apply or apply only in a modified form to any individual foreigner or class of foreigners. In the same Act under n.2 (V) and (VI) certain persons are exempt from the provisions of the Act.

As I hold a diplomatic passport of the Vatican State with a diplomatic visa of the British Authorities, I beg to inquire whether Government could issue in my favor an order as contemplated under n.6 of the Act.

Thanking you in advance for your attention to this matter, I am

Yours sincerely,

Leo P. Kierkels

Leo P. Kierkels,
Archbishop of Salamis,
Apostolic Delegate to
the East Indies.

Confidential

Dear Sir

I am desired to forward herewith a copy of a letter received from the Apostolic Delegate to the East Indies, Bangalore, requesting to be exempted from the operation of the Registration of Foreigners Rules, 1939 It is stated that the Archbishop holds a diplomatic passport of the Vatican State with a diplomatic visa of the British Authorities. ~~The matter may kindly be placed before the Hon'ble the Resident and his views communicated to me very early.~~ I request to be informed if he is entitled to exemption

to be

L.Trevelyan, Esq., I.C.S.,
Secretary to Resident.

Copy of D.O. letter dated 18th July 1939 from the Apostolic Delegate to the East Indies, Bangalore, to the Secretary to Government Law Department.

Availing myself of the opportunity given in the Notification No.P.257-Legis 36-38-2, dated Bangalore the 13th July 1939, to offer suggestions anent the Rules for the Registration of Foreigners, I beg to submit the following:

Under n.6 of the Emergency Act relating to the matter it is stated that Government may declare by order that the Rules shall not apply or apply only in a modified form to any individual foreigner or class of foreigners. In the same Act under n.2 (V) and (VI) certain persons are exempt from the provisions of the Act.

As I hold a diplomatic passport of the Vatican State with a diplomatic visa of the British Authorities, I beg to enquire whether Goverrment could issue in my favour an order as contemplated under n.6 of the Act.

Thanking you in advance for your attention to this matter, I am

---

C o p y

For Secretary to Government
Law Department.

Pol.101 Ell
Legis 36-38-7

21st July 1939.

CONFIDENTIAL.

Dear Sir

I am desired to forward herewith a copy of a letter received from the Apostolic Delegate to the East Indies, Bangalore, requesting to be exempted from the operation of the Registration of Foreigners Rules, 1939. It is stated that the Archbishop holds a diplomatic passport of the Vatican State with a diplomatic visa of the British Authorities. I request to be informed if he is entitled to exemption.

H.Trevelyan, Esq., I.C.S.,
Secretary to the Hon'ble the Resident in Mysore,
B a n g a l o r e.

Legs 36-38-8

BRANCH OFFICERS :
CHAIRMAN :
H. S. TOWN, Esq., M.L.A., (MADRAS.)
VICE-CHAIRMEN :
W. GRANT, Esq., M.L.A., (COCHIN.)
M. S. CALDERWOOD, Esq., (TRAVANCORE.)
HONORARY SECRETARY :
G. E. WALKER, Esq., M.L.A., BARRISTER-AT-LAW.
HONORARY TREASURER :
[illegible], A.C.A.

SECY. LAW DEPT. 25 JULY 1939 GOVT OF MYSORE

EUROPEAN ASSOCIATION
SOUTH INDIAN BRANCH
HEADQUARTERS: 200, MOUNT ROAD, MADRAS
TELEGRAMS: EURASSO, MADRAS.
TELEPHONE: 2623,

SEC. TO GOVT. MYSORE 25 JUL 1939

538/P

DISTRICT OFFICERS
Elliot Miller ..... CHAIRMAN.
H. Holden ..... HON. SECRETARY.
Mysore ..... DISTRICT CIRCLE.

17/A South Parade,
Bangalore 24th July 1939.

Ref.39/245

The Secretary of the Law Department,
Government of Mysore,
The Secretariat,
Bangalore.

Dear Sir,

The Registration of Foreigners (Emergency) Act, 1939.

In fulfilment of the promise made during my interview with you on July 19th, I send herewith a statement of our views on the above Act. (In this matter I have been asked to act for the Secretaries of the Mysore Planting Association and the European Association - Mysore Planting District Circle, in addition to my own Circle).

Briefly, there are in this State a number of British subjects who have settled, and expect to die, in the State and so may be regarded in Law as having lost their U.K. domicile and as having acquired a domicile of choice in Mysore State. Such persons, however, still remain British subjects, since there is no way in which they can withdraw from their allegiance to the King Emperor and assume another allegiance (in the absence of Naturalization Legislation). These persons would be accurately described, in our opinion, as "British subjects domiciled in an Indian State".

We feel that these people are not covered by the definitions and exemptions under Section 2 (a) of the Act although we are well aware that it is not the intention of His Highness's Government to treat them as foreigners under the Act. We, therefore, ask you to consider the views we have set out above with the object of determining whether or not the people described are legally exempted from the provisions of the Act.. Should you agree that they are not so exempted, we trust that you will order the desired exemption, possibly under Section 6 of the said Act.

In conclusion, I thank you for your courtesy in affording me

a personal interview on July 19th and for your patient hearing of my case on that occasion.

Yours faithfully,
N. Holden.
Hon. Secretary.

Copies to: -

The Hon. Secretary,
European Association, Madras

The Secretary
The Mysore Planters' Association.

The Hon. Secretary,
The Mysore Planting District Circle
(European Association).

29th July 1939.

THE REGISTRATION OF FOREIGNERS (EMERGENCY) ACT, 1939.

Dear Sir,

I am desired to acknowledge your letter of the 24th instant on the subject of the status of British Subjects under the Registration of Foreigners (Emergency) Act, 1939.

For the purposes of the Act, British Subjects from the United Kingdom who have settled down in Mysore are not considered to have lost their United Kingdom domicile however long they reside in the State provided they intend to return ultimately to the United Kingdom. But if they have settled down permanently in Mysore State they will come under the category of subjects of His Highness the Maharaja. This will not be inconsistent with their allegiance to His Majesty the King Emperor.

Further, under the Registration of Foreigners (Exemption) Order issued last week, copy of which is enclosed herewith for information, Clause 2 exempts all subjects of His Majesty the King Emperor of whatever domicile from the Rules except such of the provisions of rules,4,14,15 and 16

as apply to, or in relation to, all passengers and visitors including non-foreigners

Yours sincerely,

H.Holden, Esq.,
Honorary Secretary,
European Association.
17/A South Parade, Bangalore.

D.O. No. P.567/Genl/1

DRAFT 29-7-39

Dear Sir,

THE REGISTRATION OF FOREIGNERS (EMERGENCY) ACT, 1939.

I am desired to acknowledge your letter of the 24th. instant on the subject of the status of British Subjects under the Registration of Foreigners (emergency) Act, 1939.

For the purposes of the Act, British Subjects ~~who belong to Great Britain~~ from the United Kingdom who have settled down in Mysore are not considered to have lost their United Kingdom domicile, however long they reside in the State provided they intend to ultimately return to the United Kingdom. But if they have settled down permanently in Mysore State ~~and expect to die here alone, then~~ they will come under the Category of ~~be considered as~~ subjects of His Highness the Maharaja. This will not be inconsistent with their allegiance to His Majesty the King Emperor ~~which they will still retain~~.

Further, under the Registration of Foreigners (Exemption) Order issued last week, copy of which is enclosed herewith for information, Clause 2 exempts all subjects of His Majesty the King Emperor of whatever domicile from the Rules except such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, all passengers

passengers and visitors ~~who are not~~ foreigners.

The ~~Executive~~ Instructions issued to ~~the~~ Registration Officer clearly set ~~out~~ that British Subjects and ~~Anglo~~-Indians who have settled down in the State ~~are~~ not to be regarded as ~~fore~~igners within the meaning

704939
P

BRANCH OFFICERS :
CHAIRMAN :
H. S. TOWN, ESQ., M.L.A., (MADRAS.)
VICE-CHAIRMEN :
W. GRANT, ESQ., M.L.A., (COCHIN.)
M. S. CALDERWOOD, ESQ., (TRAVANCORE.)
HONORARY SECRETARY :
G. E. WALKER, ESQ., M.L.A., BARRISTER-AT-LAW.
HONORARY TREASURER :
H. I. WONFOR, ESQ., A.C.A.

EUROPEAN ASSOCIATION
SOUTH INDIAN BRANCH
HEADQUARTERS: 200, MOUNT ROAD, MADRAS
TELEGRAMS: EURASSO, MADRAS.
TELEPHONE: 2623.

DISTRICT OFFICERS
Elliot Miller .....CHAIRMAN.
H. Holden .....HON. SECRETARY.
Mysore .....DISTRICT CIRCLE.

SECRETARIAT
2 AUG 1939
BANGALORE

Legs 36-38-16

August 2nd. 1939
.....193

The Secretary to Government.
Law Department.
Bangalore.

The Registration of Foreigners (Emergency) Act, 1939.

Dear Sir,

Thanks very much for your letter of July 29th., on the above subject. Clause 2 of the Exemption Order which you enclosed appears to cover completely the point which I raised on behalf of the Associations interested in the matter. I am, however, sending a copy of your letter to the Secretaries of the three Associations concerned and will write to you again if any further information is required.

I should be much obliged, by the way, if you could let me have one copy each of the following :-

(1) Copy of the Act as published in The Mysore Gazette, Vol. 74, No. 27.
(2) " " " Rules under the Act " " " " " " 29.
(3) " " " Exemption Order as enclosed with your letter of 29/7/39.

I should be particularly grateful if you could let me have the above at an early date.

Yours Faithfully,

H. Holden.

17a, South Parade,
Bangalore.

Myke sent
C
2/8/39

Post M
(Vide letter issued to Mr. Holden)
10/8
MR

Leg.. 36-38-11

2nd August 1939.

(Law)

Dear Sir,

As desired in your letter of date, I send herewith one copy each of the following:-

(1) Registration of Foreigners (Emergency) Act, 1939.

(2) Rules under the above Act.

(3) Exemption order.

Yours sincerely,

H. Holden, Esq.,
Hon. Secretary,
European Association,
Mysore District Circle,
Bangalore.

CONFIDENTIAL.

No.F.62-39.

Legis 36-38-2

731/1939
REV. SECRETARIAT
3 AUG. 1939

From

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE,
BANGALORE.

DEWAN'S OFFICE
3 AUG. 1939
No. 951

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, the 3rd August 1939.

Subject:- Exemption of His Royal Highness Prince Peter of Greece from the Registration of Foreigners Rules, 1939.

Sir,

I am directed to inform you that the Central Government have declared that the provisions of the Registration of Foreigners Rules, 1939, shall not apply to, or in relation to, His Royal Highness Prince Peter of Greece.

Secy
Dewan) MMS 3.8.39
MKR 3.8.39

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

MD 3-8-39
MMS 4/8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P691/Genl./Legis 36 38-13 *Dated, Bangalore,* 4th August 1939

CONFIDENTIAL.

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Inspector General of Police
in Mysore, Bangalore.

Sir,

REGISTRATION OF FOREIGNERS RULES, 1939.

I am directed to forward herewith for information copy of a Confidential letter No.F.62-39 dated 3rd August 1939 from the Residency re- Exemption of His Royal Highness Prince Peter of Greece from the Registration of Foreigners Rules, 1939.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary to Government
Law Department.

CONFIDENTIAL.

Legis 36-38-4

No.C.F.62-39/Pol./Encl.

From

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Dated Bangalore, the 29th September 1939.

Subject:- Exemption of Mgr. Leo P. Kierkels, Apostolic Delegate, East Indies, from the provisions of the Registration of Foreigners Act, 1939, and the Rules thereunder.

Sir,

I am directed to say that the Central Government regret that it is not possible to grant Mgr.Leo P. Kierkels complete exemption from the provisions of the Registration of Foreigners Act, 1939, and the Rules framed thereunder. They however propose to amend rule 10 (copy of draft amendment is enclosed). The amendment wehn made will reduce to some extent the irksomeness of compliance with the Rules. When these amendments come into force, Mgr. Kierkels will only be required, when on tour, to despatch a "tour programme" to -

(a) the Registration Officer of the district in which his registered address is situated, and

(b) the Registration Officer of every district on the itinerary in which a stay of twenty four hours or more is contemplated.

When this is done, the requirements of sub-rule(1) of Rule 10 will be deemed to have been complied with.

2. Copies of the amendments, as finally issued, will be sent to you in due course.

I have the honour to be,

Sir,

Your most obedient servant,

SECRETARY TO THE RESIDENT.

No.21/68/39-Political (W)

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 31st August 1939.

NOTIFICATION.

The following draft of certain amendments to the Registration of Foreigners Rules, 1939, which it is proposed to make in exercise of the powers conferred by section 3 of the Registration of Foreigners Act, 1939 (XVI of 1939), is published, as required by the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 15th September 1939.

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments.

In the said Rules -

I. In rule 2 after clause (e) the following clause shall be inserted, namely:-

"(ee) 'police officer' includes, in British Baluchistan, a levy officer and 'police officer not below the rank of head constable' includes a levy officer not below the rank of jamadar".

II. To rule 10, the following sub-rules shall be added, namely:-

"(3). The requirements of sub-rule (1) shall be deemed to have been fulfilled if the foreigner, either before leaving his registered address or on or before the expiry of one month from the date of so leaving, furnishes to the Registration Officer an itinerary in writing setting out his current address during every day of his absence from his registered address and the date on which he intends to return to his registered address:

Provided that if any change in the itinerary is made, intimation shall be sent to the Registration Officer.

(4). The report prescribed by sub-rule (2) may be made in writing and the requirements of the said sub-rule shall be deemed to have been fulfilled if, prior to his arrival in a district other than that in which his registered address is situated, the foreigner funishes to the Registration Officer of the said district intimation of the dates of his proposed arrival in, and departure from, the said district:

Provided that where any foreigner who has furnished intimation as aforesaid does not arrive in or depart from the said district on the dates specified in the intimation he shall report the date of his arrival within twenty-four hours thereof to the Registration Officer".

In rule 15 -

(a) for sub-rule (1), the following sub.rules shall be substituted, namely:-

"(1). Every foreigner who is about to depart from British India on board a vessel shall, on making the report required by rule 11, produce his Certificate of Registration before the Registration Officer of the district in which his registered address is situate and the said Registration Officer shall make, sign and seal on the said Certificate an endorsement to the effect that the said report has been duly made, and the foreigner shall surrender his certificate so endorsed to the Registration Officer of the place from which the vessel leaves British India or to such authority as the said Officer may appoint in this behalf.

(1A) Every foreigner who is about to depart from British India by land shall on making the report required by rule 11 surrender his Certificate of Registration to the Registration Officer of the district in which his registered address is situate".

(b). In sub-rule (2) after the words "Every passenger" the